(15)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

(DIVISION BENCH)

CORAM : Hon'ble Shri S.R. Nayak, CJ
Hon'ble Shri Satish K. Agnihotri, J.

Misc. Appeal No. 808 OF 2005

APPELLANT CLAIMANT

Santosh Kumar Dubey, aged about 45 years, S/o Late Shyamnarayan Dubey, Resident of 73, Anand nagar, Raipur, Tah & Distt. - Raipur (C.G.)

Versus

RESPONDENTS NON-APPLICANTS

1. Salim @ Salimuddin Aged 28 years, S/o Amimuddin, Resident of Tikrapara Bilaspur, Distt. Bilaspur (C.G.)
2. Mohd. Hasan Khan, S/o Ali Ahamad Khan, R/o Infornt of Hotel Anand, Bus Stand Pandariya, Tah. & Distt.- Kavardha (C.G.)
3. The New India Insurance Company Ltd., through. Divisional Manager, Divisional Office, Kachahri Chowk, Jail Road, Raipur (C.G.)

Present:
Mr. S.C.Verma, learned counsel for the appellant.

ORAL ORDER
(Passed on 20th of December 2005)

The following order of the court was passed by

S.R. Nayak, CJ.

The appellant is the owner of the motor vehicle involved in the accident. He claimed a sum of Rs. 2,00,000/- towards the damage caused to the motor vehicle, which is said to be 28 years old Ambassador car. The inspector of the Insurance Company who estimated the damage, in his certificate stated that the estimate cost of the damage will be around Rs. 93,002/-, including labour charges. However, the appellant did not adduce any evidence before the Tribunal to show that actually he has

spent a sum of Rs. 93,002/- towards repairs or incurred actual damage of Rs. 93,002/-.

We are of the considered opinion that having regard to the age of the vehicle and the brand of the vehicle, what is awarded could not be condemned as something irrational or arbitrary. In the facts and circumstances of the case, what is awarded is just and reasonable compensation. No ground is made out for interference. The appeal is dismissed. There shall be no order as to costs.

Sd/-
Chief Justice

Sd/-
Satish K. Agnihotri
Judge